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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,600	12/21/2001	Walter Leslie Bushell	SPEEDY-A	4718

24115 7590 12/11/2003

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EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3677

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,600

Applicant(s)

BUSHELL ET AL.

Examiner

Carlos Lugo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 19-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 14-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to applicant's election filed on September 11, 2003.

#### ***Election/Restrictions***

2. Applicant's election with traverse of Specie 2 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that there is no appropriated explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 802.02. This is not found persuasive because this statement is for restriction requirement, not election by species.

Applicant elects Specie 2 drawn to Figures 5-21. Claims 5 and 24-29 are withdrawn from consideration. The applicant believes that claims 1-4 and 23 reads on this specie. However, there is no recitation of the status of claims 6-22.

In the election, the examiner only mention that claim 1 is generic, the rest of the claims are not generic. However, since the applicant elects Specie 2, claims 6-18 can also read in Specie 2.

Therefore, the examiner will consider only claims 1-4 and 6-18 in the examination, as drawn to the elected specie. Claims 5 and 24-29 will be withdrawn from consideration. Claims 19-23 will be also withdrawn because they doesn't read in Figures 5-21, they read on Figures 22-26, Specie 3.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

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- Elements 65A and 65B are not described in the specification.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-4,6 and 11-13 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 1,358,586 to Schwab.

Regarding claims 1 and 11, Schwab discloses a lockable nut system comprising a screw-threaded nut (3), rotatably engageable on a steel bar (1), and a locking member (6), slidably engaged on the steel bar (1).

The locking member is adapted to resist rotation about the bar. The nut and the locking member are axially engageable whereby the locking member resists rotation in at least one direction of the nut on the bar (Lines 17-21).

As to claim 2, Schwab discloses that the locking member has a non-circular cross section aperture (divided by 7).

As to claims 3 and 12, Schwab discloses that the locking member includes at least one inner side engageable with a respective sidewall of the bar (Figure 3).

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As to claims 4 and 13, Schwab discloses that the nut and the locking member are engageable by one or more socket (5) and spigot (7 and 8) formations on respectively adjacent ends of the nut and the locking member (Figure 2).

As to claim 6, Schwab illustrates that the locking member has a generally disc-like body (Figure 1).

6. **Claims 1-4 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 1,021,559 to Steele.

Regarding claim 1, Steele discloses a lockable nut system comprising a screw-threaded nut (6), rotatably engageable on a steel bar (1), and a locking member (10), slidably engaged on the steel bar (1).

The locking member is adapted to resist rotation about the bar. The nut and the locking member are axially engageable whereby the locking member resists rotation in at least one direction of the nut on the bar (Lines 10-20).

As to claim 2, Steele discloses that the locking member has a non-circular cross section aperture (11).

As to claim 3, Steele discloses that the locking member includes at least one inner side (at 13) engageable with a respective sidewall of the bar (Figure 2).

As to claim 4, Steele discloses that the nut and the locking member are engageable by one or more socket (9) and spigot (12) formations on respectively adjacent ends of the nut and the locking member (Figure 2).

7. **Claims 1-4,6 and 11-13 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 606,582 to Rohlin.

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Regarding claims 1 and 11, Rohlin discloses a lockable nut system comprising a screw-threaded nut (5), rotatably engageable on a steel bar (1), and a locking member (4), slidably engaged on the steel bar (1).

The locking member is adapted to resist rotation about the bar. The nut and the locking member are axially engageable whereby the locking member resists rotation in at least one direction of the nut on the bar (Lines 9-15).

As to claim 2, Rohlin discloses that the locking member has a non-circular cross section aperture (6).

As to claims 3 and 12, Rohlin discloses that the locking member includes at least one inner side engageable with a respective sidewall of the bar (Figure 1).

As to claims 4 and 13, Rohlin discloses that the nut and the locking member are engageable by one or more socket (10) and spigot (7 and 8) formations on respectively adjacent ends of the nut and the locking member (Figure 1).

As to claim 6, Rohlin illustrates that the locking member has a generally disc-like body (Figure 1).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 6 and 11-13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 1,021,559 to Steele in view of US Pat No 1,358,586 to Schwab.

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Steele fails to disclose that the locking member has a generally disc-like body.

Schwab teaches that is known in the art to have a locking member (6) in a lockable nut system with a disc-shaped body.

Applicant is reminded that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a disc-shape, as taught by Schwab, because it is a change in the shape of the locking member that will not affect the engagement between the locking member and the nut.

#### ***Allowable Subject Matter***

**10. Claims 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-10 and 15-18 will be allowable because they depend from claims 7 and 14 respectively.**

#### **Reasons For Allowable Subject Matter**

11. The following is an examiner's statement of reasons for allowable subject matter:

Claims 7 and 14 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the locking member includes at least one actuating element deformable from a first and second position, urging a nut engaging element into engagement with the recess of the nut.

Schwab (US 1,358,586) discloses that the locking member includes at least one nut-engaging element (8) projecting axially from the locking member but fails to disclose at least one actuating element deformable from a first and second position, urging a nut-engaging element into engagement with the recess of the nut.

Also, Rohlin (US 606,582) discloses that the locking member includes at least one nut-engaging element (11) projecting axially from the locking member but fails to disclose at least one actuating element deformable from a first and second position, urging a nut-engaging element into engagement with the recess of the nut.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



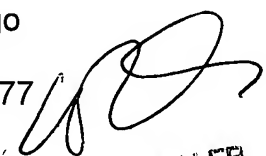
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo  
Examiner  
Art Unit 3677



WILLIAM L. MILLER  
PRIMARY EXAMINER

December 3, 2003.